

FILED

FEB 06 2017

IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

U.S. BANKRUPTCY COURT  
 DEPUTY

In re Don Acquana Wade

§

Don Acquana Wade,  
Plaintiff

§

Case Number: 16-51899

§

Chapter 13

§

v.

§

Adversary No.: 16-5083

§

Household Finance Corp. III  
Defendant.

§

§

## PRAECIPE TO COURT CLERK YVETTE TAYLOR

You are commanded to file in the record, and notice the proper appellate court, my Notice of Appeal, which was presented to you on or about January 30, 2017, or in the alternative, answer the following questions so that I might determine whether or not you are acting within the law and/or whether or not my command is proper, and to provide the basis of determining those issues of controversy of law or of fact for further litigation if necessary. If your answers are different from the ones indicated, please support your position with evidence.

1. Are you bound by the Rules of Court as contained in the Federal Rules of Civil Procedure, hereinafter, FRCP? If no other answer is provided, the answer is Yes.
2. Are the Rules of Court for the UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION, hereinafter, Bankruptcy Rules, SUBSTANTIALLY different from the FRCP? If no other answer is given, the answer is No.
3. If there is a conflict between the FRCP and the Bankruptcy Rules, which rules control? If no other answer is given, the answer is FRCP.
4. If there is a conflict between the Rules of Court for the State of Texas, herein, Texas Rules, and the FRCP and/or Bankruptcy Rules, in this case, which control? If no other answer is given, the answer is Texas Rules.
5. Does the record show that I filed an adversary action, No. 16-5083? If no other answer is given, the answer is Yes.
6. Does the record show that this action was dismissed by Judge Ronald B. King on January 9, 2017? If no other answer is given, the answer is Yes.
7. Did I send, to the clerk for filing, a timely Notice of Appeal? If no other answer is given the answer is Yes.
8. Do the Bankruptcy Rules allow an order signed by a bankruptcy judge to be appealed to the District Court? If no other answer is given, the answer if Yes.
9. Do the rules give the Clerk discretion to decide that a Notice of Appeal should not be filed and sent to the District Court? If no other answer is given, the answer is No.
10. Do you agree that the order to dismiss signed by Judge Ronald B. King on January 9, 2017 is a final order? If no other answer is given, the answer is Yes.
11. Do you agree that the bankruptcy rules allow a final order in a bankruptcy case to be appealed? If no other answer is given, the answer is Yes.

12. Do you have an oath of office to support the Constitution of the United States of America and the laws created thereunder? If no other answer is given, the answer is Yes.

13. Are you bonded to indemnify me against any damages that might incur if it can be determined that you have acted in excess of discretion in refusing to file and notice the appropriate court of the appeal, and that I have a right to claim a damage against the Bond? If no other answer is given, the answer is Yes.

14. Are you subject to Title 5 of the United States Code as an administrative agency? If no other answer is given, the answer is Yes.

15. Does your refusal to perform this ministerial duty constitute nonfeasance in the performance of a public office? If no other answer is given, the answer is Yes.

16. Does your willful refusal to perform this ministerial duty, i.e., file for the record my Notice of Appeal and notice the appropriate court, constitute **malfeasance** in the performance of a public officer? If no other answer is given, the answer is Yes.

17. Does your willful refusal to perform this ministerial duty constitute **misfeasance** in the performance of a public office? If no other answer is given the answer is Yes.

18. By your failure to perform this ministerial duty are you denying me a remedy authorized by the laws of the United States? If no other answer is given, the answer is Yes.

19. Does your refusal to perform this ministerial duty rise to the level of obstruction of justice? If no other answer is given, the answer is Yes.

20. Does equity aid those who sleep on their rights? If no other answer is given, the answer is No.

21. Do your acts rise to the level of hindering my remedy without cause? If no other answer is given, the answer is Yes.

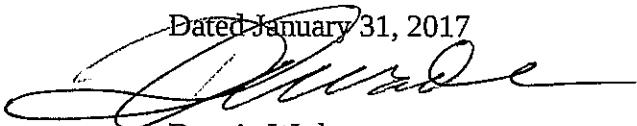
22. By what authority do you rely on to refuse to enter my appeal on the record? If no other answer is given, the answer is None.

23. Would the rights of the Defendants be prejudiced by your entering the Notice of Appeal? If no other answer is given, the answer is No.

24. Does your failure to answer or perform your duty as required by this Praeclipe constitute your permission to file an action for removal from office under Quo-Warranto? If no other answer is given, the answer is Yes.

I give you three days from time of service to (1) file the Notice of Appeal in the record and notify the proper court, or (2) answer the above questions, or (3) provide a lawful reason for not performing (1) or (2) or (4) request an extension of time to answer, for cause, providing a date certain upon which you will answer. Otherwise it shall be deemed that the answers to the questions are approved by you and not subject to future challenge.

Dated January 31, 2017



Don A. Wade  
596 Boulder Lane  
Dale, Texas 78616  
(512) 398-1944

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the attached Notice of Appeal was sent by U. S. Postal Service on January 31, 2017 to:

Dominique Varner  
HUGUES, WATERS & ASKANSE LLP  
1201 Louisiana, 28<sup>th</sup> Floor  
Houston, Texas 77002

U. S. Trustee Judy A. Robbins  
515 Rusk Street, Suite 3516  
Houston, TX 77002

U. S. ASST. TRUSTEE Nancy Ratchford  
615 E. Houston Street, Suite 533  
San Antonio, TX 78205

